

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	C.A. No. 05-95E
	)	
vs.	)	
	)	
BRENDA L. HAND a/k/a	)	
BRENDA L. BRYNDEL,	)	
	)	
Defendant.	)	

MOTION UPON DEFAULT FOR JUDGMENT IN  
MORTGAGE FORECLOSURE

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and McGrath & Associates, P.C., and pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves the Court upon default of Defendant to enter a judgment in mortgage foreclosure in favor of Plaintiff and against Defendant. In further support of its Motion, Plaintiff respectfully avers as follows:

1. On March 23, 2005, Plaintiff filed a Complaint in Mortgage Foreclosure against Defendant.
2. On March 25, 2005, Plaintiff mailed Defendant a copy of the Complaint and a Notice of Lawsuit and Requests for Waiver of Service of Summons. Nevertheless, Defendant failed to execute the Waiver of Service of Summons.
3. On May 5, 2005, Plaintiff served Defendant with the Summons and Complaint in Mortgage Foreclosure by Certified U.S. Mail pursuant to Fed. R. Civ. P. 4(e) and Pa. R. Civ. P. 404.

4. On May 10, 2005, Plaintiff filed an Affidavit of Service of Summons and Complaint with the Court.

5. Defendant has not answered or asserted any defense in this action as provided by the Federal Rules of Civil Procedure.

6. To the best of Plaintiff's knowledge, information and belief, Defendant is not an infant, incompetent, or in the military service of the United States of America.

7. In light of the Defendant's failure to answer or assert a defense as provided by the Federal Rules of Civil Procedure, Plaintiff filed with the Court a Request for Entry of Default in accordance with Rule 55(a) of the Federal Rules of Civil Procedure.

8. The amounts due Plaintiff from Defendant on the Note and Mortgage are as follows:

Principal	\$ 64,909.80
Interest to 7/08/05	\$ 30,374.01
Interest Credit Subject to Recapture	\$ 4,668.00
TOTAL	\$ 99,951.81

together with interest at the contractual rate of 9.25% per annum to the date of judgment, plus interest from the date of judgment at the legal rate, reasonable attorneys' fees and collection costs.

WHEREFORE, Plaintiff respectfully requests the Court grant Plaintiff's Motion and issue an order providing that:

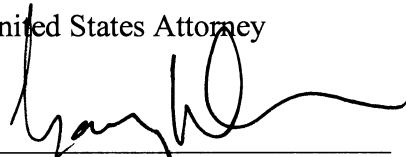
a. Judgment in mortgage foreclosure is entered against Defendant in the amount of the balance set forth above;

b. The mortgaged property be exposed to sale for the purpose of satisfying Plaintiff's judgment; and

c. The Plaintiff be paid the amount adjudged to be due and owing Plaintiff, with interest thereon to the time of such payment, together with the costs and expenses incurred by this action and by any sale of the subject property.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney



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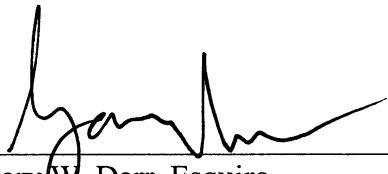
Gary W. Darr, Esquire  
PA/J.D. No. 90857  
McGrath & Associates, P.C.  
1500 Union Bank Building  
306 Fourth Avenue  
Pittsburgh, PA 15222-2101  
Firm No. 025  
Telephone (412) 281-4333  
Facsimile (412) 281-2141

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Plaintiff,	)	C.A. No. 05-95E
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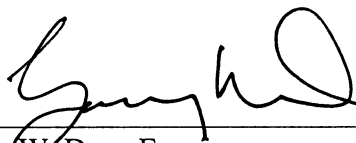
AFFIDAVIT

Gary W. Darr, attorney for Plaintiff, deposes and says that the averments contained in the foregoing Motion Upon Default for Judgment in Mortgage Foreclosure are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Gary W. Darr, Esquire  
Attorney for the United States of America

I hereby declare, under penalty of perjury, that the foregoing is true and correct. Executed on

the 11<sup>th</sup> day of July, 2005.

  
\_\_\_\_\_  
Gary W. Darr, Esquire  
Attorney for the United States of America

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Plaintiff,	)	C.A. No. 05-95E
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vs.	)	
	)	
BRENDA L. HAND a/k/a	)	
BRENDA L. BRYNDEL,	)	
	)	
Defendant.	)	
	)	

JUDGMENT

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, after presentation and consideration of the foregoing Motion Upon Default for Judgment in Mortgage Foreclosure, heretofore filed by Plaintiff.

IT IS HEREBY ORDERED that said Motion is GRANTED.

IT IS FURTHER ORDERED that judgment in mortgage foreclosure is hereby entered against Defendant, as follows:

Principal	\$ 64,909.80
Interest to 7/08/05	\$ 30,374.01
Interest Credit Subject to Recapture	\$ 4,668.00
TOTAL	\$ 99,951.81

together with interest at the contractual rate of 9.25% per annum to the date of judgment, plus interest from the date of judgment at the legal rate, reasonable attorneys' fees and collection costs.

IT IS FURTHER ORDERED that the subject property shall be exposed for sale for the purpose of satisfying Plaintiff's judgment and that Plaintiff shall be paid the amount adjudged due Plaintiff with interest thereon to the time of such payment, together with costs of this action and the expenses of sale.

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United States District Judge

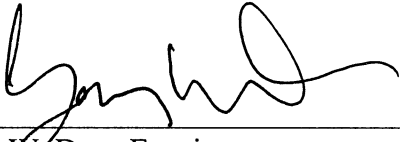
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion Upon Default for Judgment in Mortgage Foreclosure was served on the following on the 14th day of July, 2005, by first-class U.S. Mail, postage-prepaid:

Brenda L. Hand a/k/a  
Brenda L. Bryndel  
700 Dayton Pike  
Dayton, KY 41074-1623

McGRATH & ASSOCIATES, P.C.

By: \_\_\_\_\_

  
Gary W. Darr, Esquire  
PA I.D. No. 90857  
McGrath & Associates, P.C.  
Attorneys for The United States of America  
1500 Union Bank Building  
306 Fourth Avenue  
Pittsburgh, Pennsylvania 15222